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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF RANDALL S.  
LUSKEY IN SUPPORT OF DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
ENLARGE TIME TO SUBMIT  
COMPETING PROPOSED ORDERS AND  
FACTS SHEETS PURSUANT TO CIVIL  
L.R. 6-3**

This Document Relates to:  
  
ALL ACTIONS

Judge: Hon. Charles R. Breyer  
Courtroom: 6 – 17th Floor

**DECLARATION OF RANDALL S. LUSKEY**

I, Randall S. Luskey, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I respectfully submit this declaration in support of Uber’s Administrative Motion to Extend Time to Submit Joint or Competing Proposed Orders and Facts Sheets. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so.

2. On December 21, 2023, Uber filed a submission with the Court explaining that as it related to bi-lateral case-specific discovery, “Uber proposes to immediately begin the process of exchanging verified plaintiff and defense fact sheets. Given that model plaintiff and defense fact sheets have already been extensively negotiated and effectively implemented in the JCCP, Uber sees no reason to deviate from using those models here and no reason why the parties should not commence this process promptly.”

3. On December 28, 2024, the Court ordered that by “January 15, 2024, Co-Lead Counsel and Defendants shall submit joint or competing proposed orders, along with joint or competing facts sheets.”

4. On January 9, 2024, Plaintiffs sent to Uber a substantially revised plaintiff fact sheet and defense fact sheet.

5. On January 10, 2024, Plaintiff sent Uber a further revised defense fact sheet.

6. On January 11, 2024, the parties filed a joint stipulation stating that they would file by January 24, 2024, their joint or competing proposed orders, along with joint or competing fact sheets.”

7. On January 11, 2024, the parties met and conferred for over an hour about the plaintiff fact sheet.

8. On January 12, 2024, the parties met and conferred for an hour about the defense fact sheet.

1           9.       On January 18, 2024, Uber sent to Plaintiffs a revised plaintiff fact sheet and a  
2 revised defense fact sheet that made significant material compromises on both drafts. There were  
3 still, however, several points of disagreement.

4           10.      On January 20, 2024, the parties met and conferred about both the plaintiff and  
5 defense fact sheets. The parties made good progress on narrowing the disputes in the plaintiff fact  
6 sheet. The parties also provided insight into their respective positions regarding the inclusion of  
7 document requests in the defense fact sheet. Uber previewed that it would be making additional  
8 changes to its proposed plaintiff fact sheet in light of the position regarding document requests that  
9 Plaintiffs were taking.

10          11.      On January 22, 2024, Plaintiffs sent to Uber at 11:47 am PT a further revised  
11 plaintiff fact sheet. Plaintiffs sent to Uber at 2:02 pm PT a further revised defense fact sheet. Both  
12 drafts contained material changes that had not been discussed on the January 20, 2024, meet and  
13 confer.

14          12.      Uber worked diligently to address these material changes while also reaching out  
15 twice to Plaintiffs' counsel about a possible stipulation to an extension of time in which to file the  
16 fact sheets. Uber expressed its belief that the parties would both benefit from additional time in  
17 which to meet and confer and further narrow the areas of dispute in both fact sheets. Plaintiffs'  
18 counsel was not committal and refused to agree to any extension until they saw Uber's revised  
19 plaintiff and defense fact sheets.

20          13.      On January 23, 2024, Uber sent to Plaintiffs at 6:30 pm PT its revised plaintiff fact  
21 sheet. At 7:01 pm PT, Uber sent to Plaintiffs its revised defense fact sheet. As of the time of this  
22 filing, Plaintiffs' counsel has been silent on Uber's request for additional time in which to submit  
23 competing proposed fact sheets.

24          14.      The parties would benefit from additional time in which to meet and confer. In any  
25 event, there is good cause for one week of additional time for the parties to make submissions in  
26 relation the competing proposed versions of the fact sheets. The lead in-house attorney at Uber  
27 responsible for providing input and reviewing filings in this matter had a death in the family on  
28 January 23, 2024, and was out of the office as a result. In addition, her direct report with

1 responsibility for this matter is currently traveling out of the country on previously scheduled  
2 travel.

3 15. It was not possible to prepare Uber's memoranda to the Court regarding fact sheet  
4 on an earlier timetable because of the extended (and productive) meet and confer process, which  
5 has resulted in many changes to the parties' respective drafts in the lead up to the submission of  
6 this request for an extension of time (including significant changes to Plaintiffs' drafts on January  
7 22, 2024).

8 16. While granting the extension stands to benefit all parties, Uber would be  
9 substantially prejudiced without the extension requested. Due to the unforeseen circumstances  
10 described above, without an extension, Uber would be unable to file the statements in support of  
11 its competing fact sheet proposals and would lose the opportunity to make its position known  
12 regarding the important issues raised by the parties' competing proposals.

13 17. Granting the requested extension would not require modifying any other deadline  
14 reflected in the current scheduling order.

15 18. To the best of my knowledge, the only previous time modifications in this case,  
16 whether by stipulation or Court order are:

- 17 a. On December 14, 2023, the Court granted the stipulation to extend the deadline for  
18 filing the joint submission required by Pretrial Order No 4. to December 21, 2023;  
19 b. On December 14, 2023, the Court granted the stipulation to extend the deadline for  
20 filing the joint proposed conference agenda to January 15, 2023; and  
21 c. On January 11, 2024, the Court granted the stipulation to extend the deadline for filing  
22 joint or competing fact sheets and supporting statements to January 24, 2024.

23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct.

25 Executed on January 23, 2024, in San Francisco, California.

26  
27 /s/ Randall S. Luskey  
Randall S. Luskey